

BUILDING STANDARDS COMMISSION

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March 8, 2011

Keyvan Irannejad, Chief Building Official
Building and Safety Department
City of Milpitas
455 E. Calaveras Blvd.
Milpitas, CA 95035

Dear Keyvan Irannejad:

This letter is to acknowledge receipt on January 5, 2011 of the City of Milpitas electronic submittal pertaining to Ordinance Nos. 65.135, 65.137, 65.138, and 65.140 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,


Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings

RESOLUTION NO. 8038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS TO ADOPT BUILDING CODE ADMINISTRATION, 2010 CALIFORNIA BUILDING CODE, VOLUME 1 AND VOLUME 2, 2010 CALIFORNIA RESIDENTIAL CODE, 2010 CALIFORNIA MECHANICAL CODE, 2010 CALIFORNIA PLUMBING CODE, 2010 CALIFORNIA ELECTRICAL CODE, 2010 CALIFORNIA HISTORICAL CODE, 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 CALIFORNIA ENERGY CODE AND 2010 CALIFORNIA EXISTING BUILDING CODE WITH APPENDIXES A2, A3, A4 AND A5 OF 2009 INTERNATIONAL EXISTING BUILDING CODE, AND TO MAKE CERTAIN FINDINGS NECESSARY TO AMEND PORTIONS OF ABOVE NOTED CALIFORNIA BUILDING CODES

WHEREAS, the City Council of the City of Milpitas intends to adopt by reference into the Milpitas Municipal Code the 2010 Edition of the above-noted California Codes; and

WHEREAS, in doing so, the City Council wishes to amend portions of the California Codes to better address local concerns and to be consistent with amendments made by the other cities and counties in the San Francisco East Bay, San Francisco Peninsula and Monterey Bay areas; and

WHEREAS, to the extent that it applies, Health and Safety Code Section 17958.5 requires such amendments to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, to the extent that it applies, Health and Safety Code Section 17958.7 requires local entities to make express findings that such amendments are necessary.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The proposed Amendments to the Building Code Administration Ordinance are not substantive in nature and are limited to editorial updating of this Ordinance. These amendments are necessary in order to update adopted Building Code references and to enhance the ability of the City to administer and enforce provisions of the technical building codes.
3. The proposed substantive amendments to the 2010 California Building Code involve:
 - (1) Garage Ventilation
 - (2) Chimney Spark Arresters On Fireplaces
 - (3) Roofing for Hillside Construction
 - (4) Seismic Engineering Provisions and Standards
 - (5) Foundations and Foundation Reinforcement
 - (6) Minimum Interior Concrete Slab Thickness and Minimum Reinforcement
 - (7) Conventional Construction Provisions (Bracing)
 - (8) Food Consumed on the Premises
 - (9) Existing Structures
4. The proposed substantive amendments to the 2010 California Residential Code involve:
 - (1) Garage Ventilation
 - (2) Chimney Spark Arresters On Fireplaces
 - (3) Roofing for Hillside Construction
 - (4) Seismic Engineering Provisions and Standards
 - (5) Foundations and Foundation Reinforcement

- (6) Minimum Interior Concrete Slab Thickness and Minimum Reinforcement
- (7) Conventional Construction Provisions (Bracing)

The above amendments are necessary because of the local climatic, geological or topographical conditions for the following reasons:

- a. Garage ventilation is necessary since increased ventilation will delay or avoid ignition of flammable liquids or gases that may be dislodged due to seismic activity common to this geological area.
- b. Amending the code to require chimney spark arresters on fireplaces is necessary due to the local climatic wind conditions combined with a proximity to high fire hazard areas.
- c. Amending the code to require that all hillside construction be designed for a 3-second gust minimum speed of 95 mph, exposure C and be subject to requirements of Section 2308.10.1 of the 2010 California Building Code is necessary due to the climatic conditions of the area. The hillside area has a long history of high winds. Windstorms have caused significant damage to homes located in this area.
- d. Amendments to the code in regards to seismic engineering provisions and standards are necessary due to the fact the San Francisco Bay Area is densely populated and is in an area of high seismic activities as indicated by the United States Geological Survey and the California Division of Mines and Geology. Recent earthquake activities, including the 1989 Loma Prieta earthquake, have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced life-safety of building occupants.
- e. Amending the code to require special foundation and extra reinforcement is necessary due to expansive (clay) soils and seismic activity common to this geological area.
- f. Amending the code to specify the minimum thickness and reinforcement of concrete slabs inside buildings and structures is due to local geological soil conditions, specifically that of predominantly expansive soils.
- g. Amending the conventional construction (bracing) provisions of the code by limiting the bracing use of gypsum board, structural fiberboard sheathing, hardboard panel siding and cement plaster is necessary because the City of Milpitas is located in an active seismic fault area and these materials have performed poorly during recent California seismic events.
- h. Providing access to restrooms by customers in establishments selling food on premises is necessary in order to safeguard public health and general welfare through providing adequate sanitation.
- i. Amending the existing structures chapter by adding structural provisions for repairs in existing buildings is necessary because the City of Milpitas is located in an active seismic fault area.
- j. Other proposed amendments which are not substantive in nature, including various use restrictions, definitions and administrative provisions are necessary in order to enhance the City's ability to implement proposed amendments identified in Sections 2 and 3, above, as well as other provisions of the 2010 California Building Code, in that they will enhance the code's purpose to provide minimum standards to safeguard life or limb, health, property and public welfare.

- 5. The proposed substantive amendment to the 2010 California Mechanical Code involves:

- (1) Cooling water for mechanical equipment.

The above amendment is necessary because of local climatic, geological or topographical conditions for the following reasons:

- a. Climatic and geological conditions limit the amount of fresh water that can be unnecessarily used and disposed of when other methods, such as air-cooled equipment, are available.
- b. Other amendments are not substantive in nature and are limited to deleting administrative provisions, which are found in the Building Code Administration Ordinance. This amendment is necessary in order to enhance the City's ability to implement the provisions of the 2010 California Mechanical Code.

- 6. The proposed substantive amendment to the 2010 California Plumbing Code involves:

- (1) Non Essential Use of Domestic Water

The above amendment is necessary because of local climatic, geographical or topographical conditions for the following reasons:

- a. Climatic and geological conditions limit the amount of fresh water that can be used for non-essential purposes and disposed of.
- b. Other amendments are not substantive in nature and are limited to deleting administrative provisions, which are found in the Building Code Administration ordinance. This amendment is necessary in order to enhance the City's ability to implement the provisions of the 2010 California Plumbing Code.

7. The proposed substantive amendments to the 2010 California Electrical Code involve:

- (1) Requirement for all new electrical services to be underground
- (2) Disconnects of electrical power for each building to be in a readily accessible location on the first floor
- (3) Grounding systems in new buildings shall be an electrode encased in concrete
- (4) Underground raceways (conduits) shall have an equipment grounding conductor

The above amendments are necessary because of local climatic, geographical or topographical conditions for the following reasons:

- a. Provides for elimination of overhead services that are inherently less safe in event of floods, windstorms and accidental contact due to local climatic condition. Many buildings in the City of Milpitas are located in the flood zone and high wind areas.
- b. Provides for a reasonably quick means of finding the location of power disconnects to buildings in the event of fires and/or other emergencies because the City of Milpitas is located in an active seismic fault area.
- c. Sets a standard embraced in surrounding communities for grounding of electrical systems especially important for large electrical services commonly found on high-tech and manufacturing buildings typical in the City of Milpitas. Other types of grounding, such as rods, may be subject to deterioration in local soils.
- d. Providing equipment grounding conductors enhances capability of keeping electrical systems grounded, which is important in high amperage electrical services common to Milpitas.

8. The proposed Amendments to the 2010 California Historical Building Code are not substantive in nature and are limited to administrative provisions of the use and enforcement of this code.
9. The proposed Amendments to the 2010 California Green Building Standards Code are not substantive in nature and are limited to administrative provisions of the use and enforcement of this code.
10. The proposed Amendments to the 2010 California Energy Code are not substantive in nature and are limited to administrative provisions of the use and enforcement of this code.
11. The proposed substantive amendments to the 2010 California Existing Building Code involve:
 - (1) Include Appendix A2 of the 2009 International Existing Building Code
 - (2) Include Appendix A3 of the 2009 International Existing Building Code
 - (3) Include Appendix A4 of the 2009 International Existing Building Code
 - (4) Include Appendix A5 of the 2009 International Existing Building Code

The above amendments are necessary because of local climatic, geological or topographical conditions for the following reasons:

- a. Include seismic strengthening provisions for existing reinforced concrete and masonry wall buildings with flexible diaphragms
- b. Include seismic strengthening provisions for cripple walls and sill plates of light, wood-frame residential buildings

- c. Include seismic strengthening provisions for wood-frame residential buildings with soft or open-front walls
- d. Include seismic strengthening provisions for existing concrete buildings

PASSED AND ADOPTED this 2ND day of November 2010, by the following vote:

AYES: (5) Mayor Livengood, Vice Mayor McHugh, and Councilmembers Giordano, Gomez and Polanski

NOES: (0) None

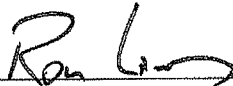
ABSENT: (0) None

ABSTAIN: (0) None

ATTEST:


Mary Lavelle, City Clerk

APPROVED:


Robert Livengood, Mayor

APPROVED AS TO FORM:


Michael J. Ogaz, City Attorney